

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA**

In re:

FRED C HERRERA
ESTHER M HERRERA
Debtors

Case No. 05-59389

CHAPTER 13 STANDING TRUSTEE'S FINAL REPORT AND ACCOUNT

Devin Derham-Burk, chapter 13 trustee, submits the following Final Report and Account of the administration of the estate pursuant to 11 U.S.C. § 1302(b)(1). The trustee declares as follows:

- 1) The case was filed on 10/16/2005.
- 2) The plan was confirmed on 05/18/2006.
- 3) The plan was modified by order after confirmation pursuant to 11 U.S.C. § 1329 on NA.
- 4) The trustee filed action to remedy default by the debtor in performance under the plan on NA.
- 5) The case was dismissed on 04/10/2009.
- 6) Number of months from filing to last payment: 0.
- 7) Number of months case was pending: 43.
- 8) Total value of assets abandoned by court order: NA.
- 9) Total value of assets exempted: NA.
- 10) Amount of unsecured claims discharged without payment: \$0.00.
- 11) All checks distributed by the trustee relating to this case have cleared the bank.

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Receipts:

Total paid by or on behalf of the debtor	\$22,400.00
Less amount refunded to debtor	\$0.00

NET RECEIPTS:**\$22,400.00****Expenses of Administration:**

Attorney's Fees Paid Through the Plan	\$2,544.00
Court Costs	\$0.00
Trustee Expenses & Compensation	\$1,733.83
Other	\$15.00

TOTAL EXPENSES OF ADMINISTRATION:**\$4,292.83**

Attorney fees paid and disclosed by debtor:	\$306.00
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Scheduled Creditors:

Creditor Name	Class	Claim Scheduled	Claim Asserted	Claim Allowed	Principal Paid	Int. Paid
AMERICAN GENERAL FINANCE	Secured	4,318.89	0.00	3,500.00	915.37	550.45
AMERICAN GENERAL FINANCE	Unsecured	NA	0.00	390.82	0.00	0.00
AT&T	Unsecured	2,300.00	NA	NA	0.00	0.00
CITIBANK	Unsecured	NA	NA	NA	0.00	0.00
COAST TEL FEDERAL CREDIT UNION	Secured	5,683.00	0.00	5,330.88	2,448.09	1,018.61
COAST TEL FEDERAL CREDIT UNION	Unsecured	3,664.47	0.00	3,724.00	0.00	0.00
EMC MORTGAGE CORPORATION	Secured	2,500.00	0.00	3,625.00	1,418.87	0.00
EMC MORTGAGE CORPORATION	Secured	NA	0.00	558,765.22	0.00	0.00
EUGENE FLEMATE ESQ	Unsecured	17,000.00	NA	NA	0.00	0.00
FDS BANK MACYS	Unsecured	1,049.76	0.00	105.78	0.00	0.00
FDS BANK MACYS	Unsecured	NA	0.00	1,015.53	0.00	0.00
JP MORGAN CHASE BANK NA	Secured	NA	0.00	68,815.17	0.00	0.00
JUSTIN GARCIA	Secured	NA	NA	NA	0.00	0.00
JUSTIN GARCIA	Unsecured	NA	0.00	578,304.08	0.00	0.00
MRS ASSOCIATES	Unsecured	9,208.27	NA	NA	0.00	0.00
MRS ASSOCIATES	Unsecured	NA	NA	NA	0.00	0.00
PALISADES COLLECTION LLC	Unsecured	NA	NA	NA	0.00	0.00
PATELCO CREDIT UNION	Unsecured	18,245.15	0.00	18,245.15	0.00	0.00
PATELCO CREDIT UNION	Secured	26,068.90	0.00	18,145.00	7,347.87	3,564.01
PATELCO CREDIT UNION	Unsecured	NA	0.00	7,923.30	0.00	0.00
PAULINE R REIMER ESQ	Unsecured	NA	NA	NA	0.00	0.00
RESURGENT CAPITAL SERVICES	Unsecured	NA	0.00	9,810.40	0.00	0.00
RESURGENT CAPITAL SERVICES	Unsecured	8,821.20	0.00	9,434.68	0.00	0.00
SEARS	Unsecured	723.36	NA	NA	0.00	0.00
WELLS FARGO BANK NA	Secured	NA	0.00	35,761.68	0.00	0.00
WELLS FARGO FINANCIAL	Unsecured	361.86	NA	NA	0.00	0.00
WELLS FARGO FINANCIAL BANK	Secured	NA	0.00	10,666.16	0.00	0.00
WELLS FARGO FINANCIAL BANK	Secured	500.00	0.00	857.69	843.90	0.00

Summary of Disbursements to Creditors:			
	<u>Claim Allowed</u>	<u>Principal Paid</u>	<u>Interest Paid</u>
Secured Payments:			
Mortgage Ongoing	\$674,008.23	\$0.00	\$0.00
Mortgage Arrearage	\$4,482.69	\$2,262.77	\$0.00
Debt Secured by Vehicle	\$0.00	\$0.00	\$0.00
All Other Secured	\$26,975.88	\$10,711.33	\$5,133.07
TOTAL SECURED:	\$705,466.80	\$12,974.10	\$5,133.07
Priority Unsecured Payments:			
Domestic Support Arrearage	\$0.00	\$0.00	\$0.00
Domestic Support Ongoing	\$0.00	\$0.00	\$0.00
All Other Priority	\$0.00	\$0.00	\$0.00
TOTAL PRIORITY:	\$0.00	\$0.00	\$0.00
GENERAL UNSECURED PAYMENTS:	\$628,953.74	\$0.00	\$0.00

Disbursements:		
Expenses of Administration	<u>\$4,292.83</u>	
Disbursements to Creditors	<u>\$18,107.17</u>	
TOTAL DISBURSEMENTS :		<u>\$22,400.00</u>

12) The trustee certifies that, pursuant to Federal Rule of Bankruptcy Procedure 5009, the estate has been fully administered, the foregoing summary is true and complete, and all administrative matters for which the trustee is responsible have been completed. The trustee requests a final decree be entered that discharges the trustee and grants such other relief as may be just and proper.

Dated: 05/13/2009

By: /s/ Devin Derham-Burk

Trustee

STATEMENT: This Unified Form is associated with an open bankruptcy case, therefore, Paperwork Reduction Act exemption 5 C.F.R. § 1320.4(a)(2) applies.

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